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09/134,270	08/14/1998	TAKASHI TSURUMOTO	SONYJP-3.0-0	7799

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT PAPER NUMBER

2611

DATE MAILED: 02/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/134,270

Applicant(s)

TSURUMOTO, TAKASHI

Examiner

Hunter B. Lonsberry

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8-14-1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-12 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent 5,850,218 to LaJoie.

Regarding claim 1, LaJoie discloses in Figure 3, a receiver for displaying a electronic program guide which utilizes a CPU 30 which generates the electronic program guide index for display on a subscriber television based upon descriptive programming data stored in memory 32 (column 3, lines 22-27, 31-50).

Regarding claim 2, LaJoie discloses in Figure 16, an electronic program guide in which program guide information in the row containing cell 396 is associated with a specific channel (QVC 3) which is shown to the left of the program guide information,

additionally, the program guide contains an index 366 of program titles which are associated with specific channel numbers.

Regarding claim 3, LaJoie shows in Figure 35 an electronic program guide that is capable of displaying urgent messages.

Regarding claim 4, LaJoie discloses an electronic program guide in Figure 16, where in a designated portion of the screen 336 the program provider's logo is displayed and in area 318, a descriptive message of the currently watched program is provided.

Regarding claim 5, LaJoie discloses in Figure 3, a receiver for displaying an electronic program guide which utilizes a CPU 30 which generates the electronic program guide index for display on a subscriber television based upon descriptive programming data stored in memory 32 (column 3, lines 22-27, 31-50), the synthesized electronic program guide is displayed in Figure 16 and contains an index of program data and descriptive messages for each program.

Regarding claim 6, LaJoie discloses in Figure 3, a receiver for displaying an electronic program guide which utilizes a CPU 30 which generates the electronic program guide index for display on a subscriber television based upon descriptive programming data stored in memory 32 (column 3, lines 22-27, 31-50), this program guide data is sent over hybrid fiber coax from the headend to the set top receiver (column 9, line 52-column 10, line 41), the synthesized electronic program guide is displayed in Figure 16 and contains an index of program data and descriptive messages for each program.

Regarding claim 7, LaJoie discloses in Figures 7 and 16, a portion of a program guide which is superimposed over video information, a receiver 6 (Figure 3) which receives video and data programs from the headend, a CPU 30 which separates and stores EPG information in memory 32 (column 13, lines 22-51), graphics subsystem 46 works in conjunction with CPU 30 for displaying program guide data (column 14, lines 46-52) and their locations on the screen.

Regarding claim 8, LaJoie discloses in Figures 7 and 16, a portion of a program guide which is superimposed over video information, a receiver 6 (Figure 3) which receives video and data programs from the headend, a CPU 30 which separates and stores EPG information in memory 32 (column 13, lines 22-51), graphics subsystem 46 works in conjunction with CPU 30 for displaying program guide data (column 14, lines 46-52) and their locations on the screen.

Regarding claim 9, LaJoie discloses in Figures 7 and 16, a portion of a program guide which is superimposed over video information, a receiver 6 (Figure 3) which receives video and data programs from the headend, a CPU 30 which separates and stores EPG information in memory 32 (column 13, lines 22-51), graphics subsystem 46 works in conjunction with CPU 30 for displaying program guide data (column 14, lines 46-52) and their locations on the screen, the user may interact with the program guide by manipulating the cursor with a remote control to change the program information which is currently being displayed (column 24, lines 34-51).

Regarding claim 10, LaJoie discloses in Figures 7 and 16, a portion of a program guide which is superimposed over video information, a receiver 6 (Figure 3) which

receives video and data programs from the headend, a CPU 30 which separates and stores EPG information in memory 32 (column 13, lines 22-51), graphics subsystem 46 works in conjunction with CPU 30 for displaying program guide data (column 14, lines 46-52) and their locations on the screen and may superimpose this information over a background image (Figure 7), the user may interact with the program guide by manipulating the cursor with a remote control to change the program information which is currently being displayed (column 24, lines 34-51).

Regarding claim 11, LaJoie discloses in Figures 7 and 16, a portion of a program guide which is superimposed over video information, a receiver 6 (Figure 3) which receives video and data programs from the headend, a CPU 30 which separates and stores EPG information in memory 32 (column 13, lines 22-51), graphics subsystem 46 works in conjunction with CPU 30 for displaying program guide data (column 14, lines 46-52) and their locations on the screen and may superimpose this information over a background image (Figure 7), the user may interact with the program guide by manipulating the cursor with a remote control to change the program information which is currently being displayed (column 24, lines 34-51). LaJoie does not explicitly mention the steps of extracting and integrating the EPG index data with the program descriptions as such steps are inherent and essential to the function of a program guide.

Regarding claim 12, LaJoie discloses in Figures 7 and 16, a portion of a program guide which is superimposed over video information, a receiver 6 (Figure 3) which receives video and data programs from the headend, a CPU 30 which separates and stores EPG information from the signal for storage in memory 32 (column 13, lines 22-

51), graphics subsystem 46 works in conjunction with CPU 30 for displaying program guide data (column 14, lines 46-52) and their locations on the screen and may superimpose this information over a background image (Figure 7), the user may interact with the program guide by manipulating the cursor with a remote control to change the program information which is currently being displayed (column 24, lines 34-51). LaJoie does not explicitly mention the steps of extracting and integrating the EPG index data with the program descriptions as such steps are inherent and essential to the function of a program guide.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,057,890 to Virden: User Interface for Television Schedule System in Which the Future Events are Paged in Time.

U.S. Patent 5,557,338 to Maze: Television Receiver Using Received Channel Guide Information and a Secondary Video Signal Processor for Displaying Secondary Channel Information.

U.S. Patent 6,172,677-B1 to Stautner: Integrated Content Guide for Interactive Selection of Content and Services on Personal Computer Systems with Multiple Sources and Multiple Media Presentation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-

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305-3234. The examiner can normally be reached on Monday through Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5359 for regular communications and 703-372-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

HBL  
February 4, 2002

  
ANDREW FAILE  
SUPERVISORY PATENT EX  
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